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r	BEFORE THE SHORELINES HEARINGS BOARD	
2	STATE OF '	WASHINGTON
3	NORTHLAKE MARINE WORKS, INC., )	
	)	SHB NO. 92-16
4	Appellant, )	
.	)	
۱ ٔ	ν. )	ORDER GRANTING
6	)	SUMMARY JUDGMENT
- [	CITY OF SEATTLE and LAKE )	
7	WASHINGTON ROWING CLUB, )	
.	)	
<b>゜</b>	Respondents. )	
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Oral argument was heard by the Washington State Shorelines Hearings Board on June 6, 1992, in Lacey, Washington, on the Motion of Lake Washington Rowing club for Summary Judgment to Dismiss the Request for Review of a Conditioned Shoreline Substantial Development Permit issued to Ben Porter, by the City of Seattle on March 30, 1991. The permit was to establish and construct a 12,000 square foot, two-story warehouse for boat storage and boat clubhouse on Lake Union for a private rowing club. The Conditions to the permit were for the responsible party to submit a binding site plan agreement to be reviewed and approved by the Land Use Specialist; and to submit a recorded covenant providing the required amount of parking [. . .] and demonstrate that such parking shall be available to serve the life of the development.

The request for review was filed by appellant Northlake Marine Works, Inc.

Present for the Shorelines Hearings Board were Board Members Annette S. McGee, presiding, Chairman Harold S. Zimmerman, Steve Morrison, and Kyle Crews, and Administrative Law Judge John Buckwalter as Legal Advisor. Louise M. Becker of Gene Barker and Associates recorded the proceedings.

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Appearances were as follows:

Christine Lamson represented appellant Northlake Marine Works, Inc. Assistant City Attorney Robert Tobin represented Respondent City of Seattle and Attorney Benjamin G. Porter represented Respondent Lake Washington Rowing Club.

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The following documents were filed and considered:

- 1. City of Seattle, Analysis and Decision of the Director of the Department of Construction and Land Use pertaining to the Conditioned Shoreline Substantial Development Permit issued March 30, 1992;
- 2. The April 29, 1992, Request for Review of Northlake Marines Works, Inc. together with exhibits attached thereto; a copy of Lake Washington Rowing Club's application for a substantial Development Permit; Seattle Construction and Land Use approval of the application; and site plan for the project;
- 3. The May 19, 1992, Lake Washington Rowing Club's Motion for Summary Judgment Dismissing Request for Review, Memorandum of Law in Support of Motion, and Affidavit of Benjamin G. Porter in Support of Motion for Summary Judgment, together with exhibits attached thereto:
- 4. The May 27, 1992, Northlake Marine Works' Response in Opposition to Motion for Summary Judgment, Declaration of Christine Lamson, together with exhibits attached thereto:
- 5. The June 2, 1992, Reply of Lake Washington Rowing Club to Northlake Marine Works in Opposition to Motion for Summary Judgment and Affidavit of Benjamin G. Porter. together with exhibits attached thereto;

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- 6. The June 2, 1992, Memorandum of City of Seattle in Support of Summary Judgment; and
  - 7. The City of Seattle's Shoreline Master Program.

II

Having reviewed the foregoing and heard oral argument of all parties on June 6, 1992, the Board concludes:

That there are no material facts in dispute;

That the lot to be developed by Lake Washington Rowing Club is an upland lot in the Urban Stable Zone; and

That neither the Washington Shorelines Management Act nor the Seattle Municipal Code, section 23.60.160 G., require public access, a comprehensive plan for public access, or view corridors, SMP 23.60.162, .636.

The Board further concludes that Lake Washington Rowing Club is entitled to Summary Judgment, dismissing the Request for Review.

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Based on the foregoing, the Board makes the following

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2	ORDER	
3	The Motion of Lake Washington Rowing Club for Summary Judgment is granted, and	
4	the Request for Review filed by Northlake Marine Works, Inc., is hereby DISMISSED.	
5	SO ORDERED this Hoth day of, 1992.	
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7	SHORELINES HEAIRNGS BOARD	
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9	ANNETTE S. MCGEE, Presiding	
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11	HAROLD S. ZIMMERMAN, Chairman	
12	THROLD G. ZHAMERATA, CHARLAND	
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16	NANCY BURNET, Member	
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19	KYLE J. CREWS, Member	
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27	ORDER ON SUMMARY JUDGMENT SHB NO. 92-16 (4)	